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Date: May 29, 2007

By:

Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ECKERT, RANDAL *ET AL.*

APPLICATION No.: 10/706,391

FILED: NOVEMBER 12, 2003

FOR: **ANTI-MICROBIAL TARGETING CHIMERIC
PHARMACEUTICAL**

EXAMINER: ROBERT A. ZEMAN

ART UNIT: 1645

CONF. No: 5819

Supplemental Information Disclosure Statement
After First Office Action but Before Final Action or
Notice of Allowance – 37 C.F.R. § 1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed after three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

- ☐ Copies of the following references can be found in parent U.S. Application No. _____ :
- ☐ All cited references
 - ☐ References marked by asterisks
 - ☐ The following:
- ☒ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
- ☐ All cited references
 - ☐ References marked by ampersands
 - ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicants do not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

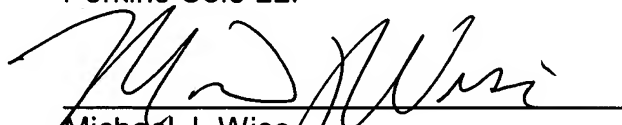
- ☒ Applicants elect to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
- ☐ Check enclosed for \$ _____.
 - ☒ Please charge the above fee(s) to Deposit Account No. 50-2586.

- ☐ Applicants submit that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
- ☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.
- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2586.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

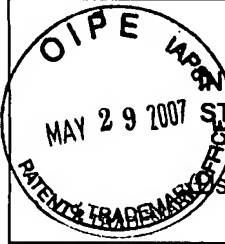


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 INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) Use several sheets if necessary				COMPLETE IF KNOWN	
				Application Number	10/706,391
				Confirmation Number	5819
				Filing Date	November 12, 2003
				First Named Inventor	Randal Eckert
				Group Art Unit	1645
Examiner Name	Robert A. Zeman				
Attorney Docket No.	59157.8007.US02				
Sheet	1	of	2		

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	A1	6,492,328		Lehrer et al.	12/2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initial	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	B1	WO	94/09817		Wu, Anna	05/11/1994		
	B2	WO	00/11037		The Regents of the University of California	03/02/2000		
	B3	WO	02/102975		Washington Dental School et al.	12/27/2002		
	B4	WO	02/15931		Washington Dental School et al.	02/28/2002		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T	
	C1	Helmerhorst, E.J. et al., "Synthetic histatin analogues with broad-spectrum antimicrobial activity," Biochem. J., Vol. 326, 1997, pages 39-45, XP002087342.		
	C2	Tamamura, H. et al., "Synthesis of Protegrin-Related Peptides and Their Antibacterial and Anti-human Immunodeficiency Virus Activity," Chem. Pharm. Bull., Vol. 43, No. 5, 1995, pages 853-858, XP000892198.		
	C3	Database Biosis Biosciences Information Service, Philiadlephia, PA, US 2001, XP007901737, Yasin, B. et al., "Susceptibility of Chlamydia trachomatis serovars L2, D, and E to G-10 novispirin."		
	C4	Marshall, S.A. et al., "Spectrum and Antimicrobial Activity of Alexomycin (PNU-82, 127), a Peptide Compound Projected for Use in Animal Health, Diagn. Microbiol. Infect. Dis., Vol. 33, 1999, pages 181-186, XP002924752.		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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(Use several sheets if necessary)

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Sheet 2 of 2

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	C5	SUE M. TRAVIS, et al., Bactericidal Activity of Mammalian Cathelicidin-Derived Peptides, Infection and Immunity, Vol. 68 No. 5:2748-2755, American Society for Microbiology, May 2000 (United States).	
	C6	JENS-M. SCHRODER, Commentary: Epithelial Peptide Anti-Biotics, Biochemical Pharmacology, Vol. 57, pp. 121-134, 1999, Elsevier Science.	
	C7	MANUEL L. PENICHET et al., Antibody-Cytokine Fusion Proteins For the Therapy of Cancer, Journal of Immunological Methods, Vol. 248:91-1001 (2000), Elsevier Science B.V.	
	C8	PENG LI et al., An Antimicrobial Peptide Gene Found in the Male Reproductive System Of Rats, Science Vol. 291-1783-1785.	
	C9	SHERIE L. MORRISON et al., Chimeric Human Antibody Molecules: Mouse Antigen-Binding Domains with Human Constant Region Domains, Proceedings of the National Academy Of Sciences U.S.A. Vol. 81:6851-6855 (1984).	
	C10	KENNETH T. MIYASAKI et al., " β -Sheet Antibiotic Peptides As Potential Dental Therapeutics, International Journal of Antimicrobial Agents, VOL. 9:269-280 (1988), Elsevier Science, B.V.	
	C11	ANDREA GIACOMETTI et al., "Antimicrobial Activity Of Polycationic Peptides," Vol. 20:1265-1273 (1999), Elsevier Science, Inc.	
	C12	KATE FORTNEY et al., <i>Haemophilus ducreyi</i> Is Susceptible to Protegrin, Antimicrobia Agents and Chemotherapy, Vol. 42:2690-2693 (1998).	
	C13	Database DIALOG No. BG195051081. NCOLAS, P., "Peptide as Weapons Against Microorganisms in the Chemical Defense System of Vertebrates." Annual Review of Microbiology, VOL. 49, pp. 277-304 (1995).	
	C14	European Search Report for European Patent Application No. EP 02752402.4 - 2406, dated September 9, 2005 (4 pages).	
	C15	International Search Report for PCT/US02/22695 mailed January 2, 2003 (4 pages).	

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